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AK/1636
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		Application Number	09/782,255
		Filing Date	February 14, 2001
		First Named Inventor	BRUCE M. HELD
		Art Unit	1636
		Examiner Name	N. Vogel
Total Number of Pages in This Submission	8	Attorney Docket Number	1205-009

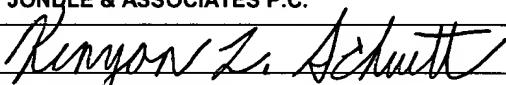
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Remarks		

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Date	JUNE 23, 2005	Reg. No.	44,324

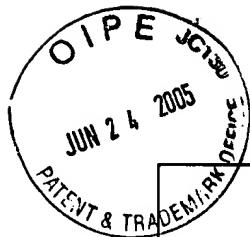
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IN THE
UNITED STATES
PATENT AND TRADEMARK
OFFICE

Application Number	09/782,255
Filing Date	February 14, 2001
First Named Inventor	Bruce Marvin HELD
Group Art Unit	1636
Examiner Name	Nancy S. Vogel
Attorney Docket Number	N1205-009

Title of the Invention: Promoter and Construct for Plant Transformation

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, PO Box 1450, Alexandria VA 22313-1450 on this 23rd day of June 2005. The number of the Express Mail mailing label is EV211073018US.



Kenyon L. Schuett

Reg. No. 44,324

AMENDMENT

Mail Stop Amendment
Commissioner of Patents
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Sir:

In response to the Final Office Action mailed April 26, 2005, please consider the following remarks.

REMARKS

The Examiner has rejected claims 43-45 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; specifically that the claims as amended contain new matter which is unsupported by the specification. Applicant directs the Examiner's attention to Example 1, pages 12-13, of the specification in which construction of the MuA promoter is detailed. The MuA promoter has 79% homology with the CaMV 35S promoter which was used as the template. Figure 3